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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/628,336	07/28/2000	Kenji Kawai	35.C14677	3454
5514	7590	04/18/2005	EXAMINER	
FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			YANG, CLARA I	
			ART UNIT	PAPER NUMBER
			2635	

DATE MAILED: 04/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/628,336

Applicant(s)

KAWAI ET AL.

Examiner

Clara Yang

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 March 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 13-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 13-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 July 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 13-15, 18-20, and 23-25 have been considered but are moot in view of the new ground(s) of rejection.
2. Applicant's arguments filed on 21 March 2005 have been fully considered but they are not persuasive.

The limitation "if it is determined that the user is not near the electronic device" has been added to claims 13 and 18. On pages 7 and 8, the applicant argues that Addy (US 6,028,513), Flick (US 5,973,592), Bassett (US 5,706,191), and Fahey (US 4,259,548) all omit teaching the limitation. However, the applicant teaches in the specification that the electronic device "determines" that the user is not nearby when the alarm signal has not been released within a predetermined time period (see page 33, lines 2-8; page 36, lines 26-27; and page 38, lines 1-5). In other words, the applicant fails to teach that the electronic device has means (such as a motion detector or proximity sensor) to actually determine if a user is physically nearby or away. A user could be standing next to the electronic device, but if the user abstains from releasing the alarm signal within a predetermined time, the electronic device will still assume (i.e., "determine") that the user is away and initiate transmission of the alarm message to unregistered devices and/or hand-held terminals. Consequently, the examiner interprets the limitation "if it is determined that the user is not near the electronic device" to mean, "if the warning status is not released within a predetermined time".

Claim Objections

3. Claims 17 and 22 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to

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cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form.

Claims 13 and 14 contain every limitation in claim 17, and claims 18 and 19 contain every limitation in claim 22. Claims 17 and 22 call for transmitting the warning information to the registered and registered devices (contained in claim 13 and 18's fourth limitation and in claims 14 and 19) and then to hand-held terminals according to a predetermined order if the warning status still persists (contained in claim 13 and 18's last limitation).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 13-15, 17-20, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Addy (US 6,028,513) in view of Escolar (US 5,748,078).

Referring to claims 13, 14, 18, and 19, Addy teaches a central control unit 12 (i.e., an electronic device) and method, as called for in claims 13 and 18 and shown in Fig. 1, comprising: (a) central receiver 14 (i.e., detecting unit) for detecting that a warning status has occurred (see Col. 4, lines 29-31); (b) siren 18 (i.e., warning unit) for notifying a user that the warning status has occurred; and (c) central transmitter 16 (i.e., communication unit) for transmitting warning information indicating that the warning status has occurred. Per Addy, central control unit 12's broadcast signal comprises identity information of an individual or sets of alarm devices to be activated (see Col. 5, lines 57-67); thus a user must enter the addresses or identity information (i.e., register) of the alarm devices into controller 11. Addy imparts that (d) central transmitter 16 first transmits the warning information to registered alarm devices 22 and 24 when the detected warning status is not released (see Col. 5, lines 44-51 and Col. 6, lines 1-11). And as called for in claims 14 and 19, (e) central transmitter 16 then transmits the warning information to additional alarm devices 22 and 24 if the alarm condition still persists upon termination of a predetermined delay (see Col. 6, lines 11-13). Because Addy teaches that controller 11 of central control unit 12 is able to initiate transmission of a broadcast signal to all or a predetermined set of alarm devices 22 and 24 via central transmitter 16 (see Col. 5, lines 48-51 and Col. 8, lines 20-25), it is understood that the additional alarm devices 22 and 24 are unregistered devices. Though Addy does suggest having central control unit 12 further transmit the warning information to a fire or police department via dialer 20 and an external network (see Col. 5, lines 44-48 and Col. 8, lines 19-21), Addy is silent on central transmitter 16 transmitting the warning information to hand-held terminals in an external network according to a predetermined order after a predetermined time period has elapsed since the transmission of the warning information to unregistered alarm devices 22 and 24.

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In an analogous art, Escolar's communication system, as shown in Fig. 1, comprises: (a) monitoring system 10 (i.e., detecting unit) for detecting whether a warning status has occurred (see Col. 2, lines 38-43); (b) alarm alerting device (AAD) 12 for notifying a user that the warning status has occurred (see Col. 2, lines 33-34 and 42-48); and (c) communications facility 14 (i.e., communication unit) for transmitting warning information indicating that the warning status has occurred (see Col. 2, lines 34-47 and 45-50). As shown in Fig. 3, Escolar discloses that after transmitting the alarm message, the AAD module waits a predetermined time period (i.e., the delay time corresponding to the selected contact in step 46), determines whether the alarm has been cleared in step 42, and transmits the alarm message to the next contact person and/or number if the alarm is still present in step 44 (see Col. 4, lines 13-51). As shown in Fig. 1, AAD 12 is able to send alarm messages to pager 20 (i.e., a hand-held device) via communications facility 14 and a paging network (i.e., an external network).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system of Addy as taught by Escolar because a central control unit that first transmits the warning information registered alarm devices 22 and 24, then transmits the warning information to unregistered alarm devices 22 and 24 if the alarm condition still persists after a predetermined time period, and finally transmits the warning information to hand-held units in an external network after the elapse of a predetermined time period since the previous transmission ensures that a user has adequate time to correct the problem before calling for outside help (see Escolar, Col. 3, lines 50-62).

Regarding claims 15 and 20, Addy imparts that alarm devices 22 and 24 have an alarm notification device 44, which is a siren or equivalent audible means (see Col. 4, lines 31 - 34), thereby implying that the broadcast signal or warning information comprises audio data.

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Regarding claims 17 and 22, as explained in the previous rejection of claims 13, 14, 18, and 19, Addy and Escolar teach the limitations of the claims.

7. Claims 16 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Addy (US 6,028,513) in view of Escolar (US 5,748,078) as applied to claims 13 and 18 above, and further in view of Bassett (US 5,706,191).

Regarding claims 16 and 21, Addy and Escolar omit teaching connecting central control unit 12 and alarm devices 22 and 24 to a domestic network.

In an analogous art, as shown in Fig. 1, Bassett teaches an automated residence management system that comprises fire alarms, smoke and CO₂ detectors, and security systems (see Col. 14, lines 60 – 63). By providing each device or system with an appliance interface module (AIM) 70 – 78, monitoring and diagnostic functions of the devices or systems are achieved (see Col. 5, lines 53 – 63 and Col. 6, lines 11 – 35). For example, when an AIM detects potential failure or required scheduled replacement of a part, a message such as “replace air filter” is flashed on a television set that is connected to the automation system (see Col. 14, lines 36 – 43).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Addy and Escolar’s central control unit 12 and method as taught by Bassett because connecting central control unit 12 to a domestic automation network enables central control unit 12 to be monitored for potential failure or required replacement of a part (see Bassett, Col. 2, lines 14-21), thereby improving the reliability of the alarm system.


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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clara Yang whose telephone number is (571) 272-3062. The examiner can normally be reached on 8:30 AM - 7:00 PM, Monday - Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Horabik can be reached on (571) 272-3068. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CY
6 April 2005



BRIAN ZIMMERMAN
PRIMARY EXAMINER